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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Gwo Shin Swei
Application No.: 09/810,641 Group: 3723
Filed: March 16, 2001 Examiner: R.A. Rose
Confirmation No.: 7390
For: PERFORATED SANDING DISK

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
on <u>DEC. 9, 2004</u>	<u>Christine A. Budd</u>
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REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Reply Brief is submitted pursuant to the Examiner's Answer mailed from the U.S. Patent and Trademark Office on October 22, 2004.

Contrary to statements made in the Examiner's Answer, Appellant's Brief on Appeal does contain a statement identifying the related appeals and interferences. Page 2 of the Brief includes a section entitled "Related Appeals and Interferences." As stated in that section, the Appellant, the undersigned Attorney, and the Assignee are unaware of any related appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

While describing the teachings of Jöst in his Response to Argument section, the Examiner claims that the pattern of distribution of the perforations across the disk does not appear to be critical since only perforations within the annular region would be capable of delivering dust through the apertures. The Examiner also states that the Appellant's specification does not address any advantages to not having perforations outside of a suction zone. Based on this reading of Appellant's specification, the Examiner states on page 2 and 3 of his Response:

"It should be stressed that Appellant, in his specification, does not address any advantages to not having perforations outside of the suction zone, so the inference is that the appearance of the disk outside of the annular zone is not critical."

The Examiner offered no authority that it is proper to draw such an inference.

However, contrary to the Examiner's contentions, page 1, lines 23-29 of Appellant's specification states:

"One solution to this problem is...an abrasive disc with a multitude of spaced perforations all across the disc surface. The disc is *backed by a porous material and swarf* generated during grinding *is sucked through the porous backing....* This does however *sacrifice a good deal of effective grinding surface* and requires a backing with sufficient porosity to allow passage of the swarf without becoming prematurely clogged." (emphasis added)

This portion of Appellant's specification explains (while pointing out some of the shortcomings of Jöst's teachings) that perforations outside of a suction zone sacrifice a good deal of effective grinding surface and require a backing with sufficient porosity to allow passage of swarf without becoming clogged. This same portion of Appellant's specification also illustrates that the Examiner's statement that perforations outside of an annular region are not necessary incapable of delivering dust through suction apertures is erroneous. If a backing having a sufficient porosity is used, perforations outside of an annular zone can delivery dust to suction apertures.

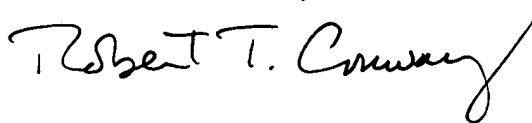
The Examiner also states without provided support that less effort would be required to manufacture disks having perforations exclusively within an annular zone. This is not necessarily true. Manufacturing coated abrasive disks typically involves stamping a round disk from an abrasive sheet. If the disks are to include perforations, the sheet is usually perforated before the disks are stamped. If the perforations are indiscriminately placed across the entire disk (as shown in the figures of Jöst and Marton), then the abrasive sheet can be perforated without regard to how the disks are later stamped from the sheet. If the perforations are to be located

exclusively within an annular region, as demanded by Appellant's claimed invention, the perforations must be produced in an annular pattern and that pattern must be aligned with regard to the subsequent stamping process so that the perforations will be located within the annular region. The perforation pattern, and alignment of the pattern, requires substantially more manufacturing effort than is required to make prior art perforated disks.

In view of these comments, Appellant respectfully asserts that all pending claims meet the requirements of 35 U.S.C. § 103.

Respectfully submitted,

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